

## **R E M A R K S**

Claims 1-6 and 8-14 are in the application, with Claims 1, 6, 8 and 9 having been amended, and with Claim 7 having been cancelled. Claims 1, 6, 8 and 9 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 101**

Claims 8-13 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. It is believed this rejection has been overcome by amending claims 8 and 9 in accordance with the Examiner's suggestion.

### **Claim Rejections – 35 USC § 102(e)**

Claims 1-2, 5, 8-14 are rejected as being anticipated by Kane, U.S. Patent No. 6,317,728 ("Kane").

Claim 1 is directed to a "method for computerized trading" which includes "a human being entering parameters for a trading algorithm to input a trading order into a logic engine", "using a first plug-in in said logic engine for implementing the trading algorithm", "inputting data for said order into said logic engine", "processing the order with said logic engine, using said plug-in" and "executing said order".

It is noted that claim 1 has been amended to recite a human being entering parameters for a trading algorithm". Support for this amendment is found at page 7, lines 13-22 of the specification and particularly at lines 21-22.

Applicants point out that the Kane reference, upon which the Examiner relies, discloses a trading system in which trading decisions are conducted as a result of "voting" by "intelligent agents" implemented via artificial intelligence. Kane's system is "fully automated" (as stated at column 15, lines 7-9 of the reference) and thus does not call for a human being entering parameters for a trading algorithm, as now recited in claim 1. In fact, by stressing the advantages of automated trading, Kane teaches away from the limitation of claim 1 that calls for a human

being to enter parameters for a trading algorithm. It is therefore respectfully submitted that claim 1, at least as now presented, is patentably distinguished from the Kane reference.

Claims 2 and 5 are dependent on claim 1 and are submitted as patentable on the same basis as claim 1. Claims 8 and 9 have been amended in the same manner as claim 1 and are submitted as patentable on the same basis as claim 1, along with dependent claims 10-14.

**Claim Rejections – 35 USC § 103(a)**

Claim 3 is rejected as being unpatentable over Kane.

Claims 4 and 6 are rejected as being unpatentable over Kane in view of Microsoft Computer Dictionary, 5<sup>th</sup> edition, page 345.

Claim 6 has been amended in a similar manner to claim 1. The above remarks regarding claim 1 are also applicable to claim 6. Claims 3 and 4 are dependent on claim 1 and are submitted as patentable on the same basis as claim 1.

**C O N C L U S I O N**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

September 8, 2005  
Date



Nathaniel Levin  
Registration No. 34,860  
Buckley, Maschoff & Talwalkar LLC  
Five Elm Street  
New Canaan, CT 06840  
(203) 972-3460